

## REMARKS

The communication that was mailed from the U.S. Patent and Trademark Office on this last April 12, 2005 was a “Notice of Non-Compliant Amendment (37 CFR 1.121)” on the basis that the presentation of the claims was not fully compliant. Accordingly, the earlier amendment has been examined, and the appropriate corrections were made, in that the status identifier language for claims 1, 3 and 6 was changed to indicate these as “currently amended” It is believed that the application is now in condition to proceed with further examination.

An earlier action from the U.S. Patent and Trademark Office was mailed on this last January 3, 2005. Then a response was filed on April 4, 2005, which was within the three months required to respond (April 3, 2005 being a Sunday). Then on April 12, 2005 a further action from the U.S. Patent and Trademark Office which is a “Notice of Non-Compliant Amendment (37 CFR 1.121)” with the notation that the term “amended” is an improper status identifier. It was also indicated that the amendment filed on April 4, 2005 was not entered. It is not clear to the undersigned whether the earlier response that was filed on April 4, 2005 is totally out of the file wrapper or not, so that it would not have ever reached the examiner, or whether it is being sent to the examiner. Accordingly, I am

enclosing remarks in this present amendment that appeared in the April 4, 2005 amendment.

It should also be pointed out that the "Notice of Non-Compliant Amendment (37 CFR 1.121)" has the "date mailed" designated as April 12, 2005. It was directed to our correct address. However, it was postmarked June 01, 2005 and did not reach us until June 6, 2005. Accordingly, that put us into the one month extension period. The one month extension is being paid, and we are not asking for reimbursement at this time since going through the paperwork would probably cost us more in time than it would be worth. I am simply noting that to indicate that this response is being filed quite promptly after getting this "Notice of Non-Compliant Amendment (37 CFR 1.121)".

The text which follows is repetitious of the remarks that were made in the response filed on April 4, 2005.

The telephone conference with Examiner Wong approximately two to three weeks prior to the filing of this amendment is gratefully acknowledged. The amendments being made to the claims are believed to be in accordance with a proposed course of action which was discussed with Examiner Wong. The cooperation of the Examiner in working toward of amending the claims is appreciated.

In the last office action, it was indicated that claims 2 and 3 appeared to read over the prior art of record. Accordingly, claim 2 has been cancelled and has been rewritten as newly submitted independent claim 20. Further, claim 3 which had previously depended upon claim 2 is amended in this response to depend upon claim 20. It is believed that these claims should be found allowable.

Claims 16-19 were withdrawn from consideration following a restriction requirement. Accordingly, these have been cancelled with the Applicant reserving the right to file a continuation application directed toward these method claims.

In the last office action, claims 1 and claims 4 through 15 were rejected on the basis of U.S. patent 823,571 (Whitehead) on the basis that the end portions "b" of the member "B" of the Whitehead patent met the limitations of the tool having a green divot repair portion at one end portion, and a coring tool portion at the other end portion. In the telephone conference with Examiner Wong there was a discussion on including in the claims language specifying the essential difference or differences in this green divot repair portion and the coring tool portion from what is shown in the Whitehead patent, which are essentially two pointed end sections

having two edges coming to a point and at approximately a 90 degree angle to one another.

Claims 1 and 6 have now been amended to define the green divot repair portion as having the substantially flat end compression surface portion with the fork portion extending downwardly therefrom. Also, the coring tool portion was defined as comprising a generally cylindrically shaped and substantially tubular member having a generally circularly shaped and end edge portion which can be positioned to dig into the sod surface of the green.

The configuration limitations presented in this amendment for the green divot repair portion and the coring tool portion should clearly distinguish over the Whitehead patent. Accordingly, it is submitted that with these amendments being made, the claims should be in condition for allowance.

Again, the cooperation of Examiner Wong in discussing these matters is greatly appreciated. As discussed in the earlier telephone conference, if there are matters which still need to be addressed and if consultation with the undersigned would be of help in resolving these, such consultation would be most welcome. The Applicant's attorney can normally be reached at the telephone number set forth below.

If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's undersigned attorney can normally be reached at the telephone number set forth below.

Signed at Bellingham, County of Whatcom, State of Washington this June 10, 2005.

Respectfully submitted,  
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